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June 17, 2025

VIA ECF AND E-MAIL

Hon. Jennifer H. Rearden
United States District Court
Southern District of New York
500 Pearl Street, Room 1010
New York, NY 10007
ReardenNYSDChambers@nysd.uscourts.gov

**Re: *Freeman v. Commonwealth Local Development Corp., et al.*,
Civil Action No.: 1:24-cv-08823**

Dear Judge Rearden:

This Firm represents Defendants, HUSA Management Co. and Commonwealth Development Corp. (together "HUSA") in the above-referenced matter. We write jointly with Defendants, Rainbow Apparel of America, Inc. (incorrectly referenced in the Complaint as "Rainbow USA Inc.") and A.I.J.J. Enterprises, Inc. (together "Rainbow"), to respectfully request that the Court extend the respective deadlines for Rainbow and HUSA to respond to each other's cross-claims up to and including July 21, 2025.

By way of brief background, on February 3, 2025, Rainbow filed its answer with cross-claims (ECF No. 28), making HUSA's response due on or before February 24, 2025. *See* Fed. R. Civ. P. 12(a)(1)(B). On February 18, 2025, HUSA filed its answer with cross-claims (ECF No. 30), making Rainbow's response due on or before March 11, 2025. *See* Fed. R. Civ. P. 12(a)(1)(B). The time for HUSA and Rainbow to respond to their respective cross claims has been extended to June 30, 2025 as the parties were directed to attend mediation. (ECF No. 43).

A first session mediation occurred on June 17, 2025. Though the matter did not resolve, the parties made progress in resolving claims and settlement discussions continue. Specifically, HUSA and Rainbow have agreed to provide Plaintiff with certain additional information in furtherance of settlement discussions on or before July 1, 2025. Thus, Defendants' counsel have agreed that it would be fruitful to extend such cross-claim response deadlines until after this proposal and settlement efforts are exhausted in the near term. With settlement discussions actively proceeding at present, the Defendants also need to address certain responsibilities and obligations under the lease documents as respects those discussions, as well as how Defendants

Application GRANTED. This Court's Order, dated May 2, 2025, provided that the deadlines to respond to the pending cross-claims would "not be further extended absent extraordinary circumstances." ECF No. 43 at 1. The circumstances described herein fall short of "extraordinary." However, as a one-time accommodation, Defendant HUSA Management Co., LLC's deadline to respond to Defendants Rainbow Apparel of America, Inc. and A.I.J.J. Enterprises, Inc.'s Cross-Claim is extended to **July 21, 2025**, and Defendants Rainbow Apparel of America, Inc. and A.I.J.J. Enterprises, Inc.'s deadline to respond to Defendants Commonwealth Local Development Corp. and HUSA Management Co., LLC's Cross-Claim is extended to **July 21, 2025**.

The Clerk of Court is directed to terminate ECF No. 44.

SO ORDERED.

A handwritten signature in black ink that reads "Jennifer H. Rearden".

Jennifer H. Rearden, U.S.D.J.
Dated: June 20, 2025

Hon. Jennifer H. Rearden

June 17, 2025

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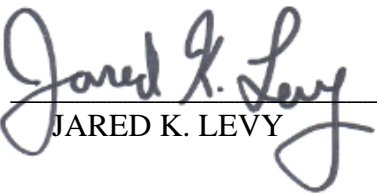
may respond to the cross-claims directed against each of them. Please note, counsel for Rainbow will be unavailable between June 22, 2025 – June 29, 2025 and counsel for HUSA will be on vacation from July 4, 2025 – July 14, 2025. Thus, for these reasons, HUSA and Rainbow jointly request additional time to respond to each other's cross-claims up to and including July 21, 2025. Defendants do not anticipate requesting a further extension of this deadline.

This application is being filed in good faith, and not to cause undue delay. This extension, if granted, would not affect any scheduled dates or deadlines. There are currently no scheduled appearances before the Court.

We thank this Court for its time and attention to this matter.

Very truly yours,

WOOD, SMITH, HENNING & BERMAN LLP

By:  _____
JARED K. LEVY

cc: All counsel of record (via ECF)

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